

## **Title 16. Structural Pest Control Board**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, Hearing Room, Suite S-102, 1625 N. Market Blvd., Sacramento, CA, at 9:00 a.m. on July 20, 2007. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office no later than 5:00 PM on July 19, 2007 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections, 8505.3, 8505.5, 8505.7, 8505.13, 8505.15, 8505.16, 8516, 8538, 8642, 8646, and 8652 of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

#### **1. Amend Section 1970 Standards and Record Requirements**

Business and Professions Code section 8505.13 requires a registered structural pest control company performing a fumigation must compile and retain for a period of at least three years, a log for each fumigation job. This proposal would require that the Standard Structural Fumigation Log (Form 43M-47) be forwarded to the primary contractor within ten business days if a fumigation subcontractor performed the fumigation.

Section 1970 of the California Code of Regulations requires that the registered structural pest control company performing a fumigation list the method and factors used in calculating the amount of fumigant used. This proposal would amend the existing Standard Structural Fumigation Log (Form 43M-47) to include an additional fumigant calculator as well as allow for future calculation methods.

#### **2. Amend 1970.4 Section Pesticide Disclosure Requirement**

Business and Professions Code section 8538 requires the registered structural pest control company to provide the owner, or owner's agent, and tenant of the premises for which the fumigation work is to be done with a clear written notice (Form 43M-48) regarding the pest being controlled and pesticide used.

Section 1970.4 of the California Code of Regulations requires that the registered pest control company performing the fumigation report on the Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48) the pesticide(s)/fumigant(s) proposed to be used and the active ingredient(s). The current form lists a specific fumigant that has been the only product available containing sulfuryl fluoride. An additional product has become available and additional products may be introduced. This proposal would amend the Occupants Fumigation Notice and Pesticide Disclosure (Form 43M-48) to allow for the disclosure of current and future fumigants.

### 3. Amend Section 1973 Re-Entry Requirements After Fumigation

Section 8505.7 of the Business and Professions Code states that a space to be fumigated shall be vacated until declared by the licensee to be safe for reoccupancy. Section 1973 of the California Code of Regulations requires posting of the Notice of Re-Entry (Form 43M-42) in order to release the property for occupancy. The current form lists a specific fumigant that has been the only product available containing sulfuryl fluoride. An additional product has become available and additional products may be introduced. This proposal would amend the Notice of Re-Entry (Form 43M-42) to provide for written disclosure of new sulfuryl fluoride fumigants.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

#### Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### EFFECT ON SMALL BUSINESS

Section 1970 will have no effect on small businesses because the requirement of the subcontractor to submit an additional form to the primary contractor would not have a financial impact as documents are already being exchanged between the contractors.

Section 1970.4 will have no effect on small businesses because the proposal amends an existing form to require that a company performing a fumigation must inspect for any conduits, pipes, common drains, air ducts, central vacuum systems or any other construction elements that would allow the passage of a fumigant to an adjacent or adjoining structure. The requirement to inspect for conduits is currently stated in Section 1970.6 and this amendment would add a dedicated area on the form to sign off the inspection. As business practices vary, businesses could amend the form either internally and/or externally.

Section 1973 will have no effect on small businesses because the proposal amends an existing form to disclose additional fumigant information.

### CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative is considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825.

### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the

rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ryan Vaughn  
Address: 1418 Howe Avenue, Suite 18  
Sacramento, CA. 95825  
Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: Ryan\_Vaughn@dca.ca.gov

The backup contact person is:

Name: Susan Saylor  
Address: 1418 Howe Avenue, Suite 18  
Sacramento, CA. 95825  
Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: Susan\_Saylor@dca.ca.gov

Website Access: Materials regarding this proposal can be found at  
[www.pestboard.ca.gov](http://www.pestboard.ca.gov)